REMARKS

The Office Action dated July 13, 2004 has been fully considered by the Applicant.

Attached is a Request for Three-Month Extension of Time. Applicant requests that the $1020 Extension of Time fee be charged to Deposit Account No. 08-1500.

Claims 6, 8, 10-12 are currently amended. Claims 7 has been previously presented. Claims 1-5 and 9 have been previously canceled.

Claims 6-8 and 10-12 have been rejected under 35 USC 103(a) as being unpatentable over United States Patent No. 5,619,571 to Sandstrom et al in view of United States Patent No. 5,805,706 to Davis. Reconsideration of the rejection is respectfully requested.

Claim 6 has been amended to further define that the data material includes frames or pictures of video and the location identifiers generated refer to features of the video data material selected from the group consisting of: a specified frame of video, a group of picture sequence, a time code and a pictorial temporal reference in order to identify a particular portion of the data material stored in the memory device. Neither the '571 Sandstrom et al patent or the '706 Davis patent include a data receiver that is connected to a television to allow the broadcast video audio and/or auxiliary data to be displayed and that the data includes frames or pictures of video and that the location identifiers, which are used to identify the data which is stored in the encrypted format, refer to a selected one of a video frame or picture features, as in Applicant's currently amended claim 6. Therefore, Applicant sincerely believes that currently amended claim 6, along claims 7-8,10-12 depending therefrom are novel over the cited references and reconsideration of the rejection is respectfully requested.

In addition, the '571 Sandstrom et al patent relates to the processing and storage of digital

data being used in a computer system. The '571 patent Sandstrom et al's teaches, stated in column 1 lines 16-19, an apparatus that allows a secure method of capturing, storing, retrieving and presenting data into and from a memory. Thus, the aim of Sandstrom et al is to provide more secure data storage and, in particular, to provide for the more secure storage of data by encrypting the same. Sandstrom only discloses a particular use of encryption in the storage of data in conjunction with the allocation of identifiers to allow for the improved retrieval of the stored data. Sandstrom et al therefore teaches that data which is not initially secure can be made secure by the use of encryption at the time of storage. However, the data which is initially used is not encrypted and is insecure.

Examiner Arani states that: "...Davis does disclose a method or receiving said material by a broadcast in an encrypted and so also discloses decrypting the received data material after receipt by the broadcast data receiver (see Figure 2a, see Fig.4)". Applicant respectfully disagrees. The '706 patent to Davis is directed toward a system whereby secure, encrypted data is received and then is made insecure by decryption followed by encryption in a second format before the data is emitted from the cryptograph. Thus, in Davis the decryption and encryption are performed with the same cryptograph device (see for example the last line of the Abstract and Col. 2, lines 43-44). The data of the Davis patent when it is in the decrypted form is not used for any purpose and, particularly, not for the allocation of identifiers, as in Applicant's invention. The Davis decryption is purely a stage which the process has to go through in order to allow the data to be changed from a first encrypted format to a second format. The '706 Davis patent does not show the parsing of data when in the decrypted format as in Applicant's invention. In addition, the '706 patent does not show the provision of identifiers to allow the subsequent retrieval of the encrypted data when stored. Therefore, Applicant respectfully disagrees that the combination of the Sandstrom et al and Davis

patents lead to Applicant's invention. The Sandstrom et al patent does not disclose the reception of data in an encrypted format and also does not teach decrypting the data after receipt by the broadcast data receiver so that the same can be processed by parsing the same to allow the improved storage of the same in an encrypted format thereafter. As stated above, the Davis patent does not show parsing of the data or disclose the use of identifiers to allow subsequent retrieval of the encrypted data. A skilled person could not apply the cryptographic system of the Davis patent to Sandstrom et al, even if they were motivated as the Examiner alleges. The Sandstrom et al patent does not need to receive encrypted data as it is only concerned about the security of the data after the data has been received and is going into storage. If Sandstrom et al were to receive encrypted data, it could not deal with the encrypted data. If the system of the Sandstrom et al patent would receive encrypted data it would be redundant, as this data could be stored directly. Therefore the security concern which Sandstrom et al addresses would not exist.

Examiner Arani states that:

> One would have been motivated to modify Sandstrom et al's method as such in order to provide the broadcast material with a higher level of security during transmission over insecure lines and the ability to decrypt the data so that the processing unit can manipulate the data as it sees fit. (Col. 1, lines 31-45[Davis])

Applicant respectfully disagrees with this statement. What motivation would a skilled person have to modify Sandstrom et al in order to provide a broadcast material with a higher level of security during transmission since the Sandstrom et al '571patent is not concerned about where the data it receives came from or the security of the data? All Sandstrom et al is concerned with is being able to store the data in a retrievable and secure format. Furthermore, it would not be sufficient to use the '706 Davis disclosure, since the data received in Applicant's invention the first encrypted

format is decrypted and has data relating to location identifiers generated prior to the encryption and storage. This is not disclosed in the Davis patent. It is not seen how a skilled person would utilize the Davis invention to achieve Applicant's invention.

Further, the problem addressed in Applicant's is clearly different from that addressed in either the '706 Davis patent or the '571 Sandstrom et al patent. In Applicant's invention, the problem addressed is how to allow television program data received from a remote broadcast location to be securely stored in, for example, a hard disk so as to allow the program data to be secure but also be quickly accessible to allow the program to be viewable upon demand by a viewer. Until recently, there was no way available to keep a television program that was broadcast in an encrypted manner secure for subsequent viewing. Conventionally if, for example, a pay-per-view event was purchased, the program had to be viewed immediately or could be stored on a video cassette in a non-secure manner. Applicant's invention allows for the storage of a television program in a secure encrypted format after transmission without the need for a video cassette or video player and allows received television programs to be stored in a secure, i.e non-recordable manner, locally in a hard disk. This allows the television program that is transmitted in a secure encrypted format to be temporarily decrypted for the allocation of location identifiers and then re-encrypted to allow the same to be securely stored until a viewer, who has the suitable access authority, can view the television program. This is not suggested in either of the prior art documents and, therefore, Applicant believes that currently amended claim 6 and the claims depending therefrom are distinguished over the cited references.

In summary, Applicant believes that currently amended claim 6 that now specifies that the data receiver is connected to a television to allow the broadcast video audio and/or auxiliary data to

be displayed and that the data includes frames or pictures of video and that the location identifiers which are used to identify the data which is stored in the encrypted format refer to a selected one of a video frame or picture features is not found in either of the cited references. Reconsideration of the rejections is respectfully requested.

Applicant respectfully disagrees with the Examiner's rejection of the aforestated claims under 35 USC 103(a). Absent some suggestion or motivation supporting the combination of references, the references may not properly be combined. "The mere fact that references *can* be combined or modified does not render the resulting combination obvious unless the prior art suggests the desirability of the combination". M.P.E.P. Section 2143.01 (Emphasis in original). Further, it is necessary for the Examiner to set forth *evidence* that one of ordinary skill in the art would have been led to combine the teaching of the applied references. Accordingly, Applicant respectfully submits that claims 6-12 are allowable over the art of record.

It is believed that the application is now in condition for allowance and such action is earnestly solicited. If any further issues remain, a telephone conference with the Examiner is requested. If any further fees are associated with this action, please charge Deposit Account No. 08-1500.

Respectfully Submitted

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Dated: January 13, 2005

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